

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IME WATCHDOG, INC.,

Plaintiff,

-against-

SAFA ABDULRAHIM GELARDI, VITO GELARDI,
GREGORY ELEFTERAKIS, ROMAN POLLAK,
ANTHONY BRIDDA, IME COMPANIONS LLC,
CLIENT EXAM SERVICES LLC, and
IME MANAGEMENT & CONSULTING LLC,

Defendants.

-----X

Case No.: 1:22-cv-1032 (PKC) (JRC)

**SUPPLEMENTAL DECLARATION OF
DANIELLA LEVI IN FURTHER
SUPPORT OF PLAINTIFF'S MARCH 6,
2024 MOTION FOR CONTEMPT**

I, Daniella Levi, pursuant to 28 U. S.C. § 1746, declare as follows:

1. I am the Chief Executive Officer (“CEO”) of IME WatchDog, Inc. (hereinafter the “Plaintiff”) in the above-referenced case.

2. I submit this declaration in further support of Plaintiff’s March 6, 2024 motion to hold Defendants in contempt.

3. On March 2, 2024, this Court issued an Order stating, in relevant part:

For the reasons stated on the record, the Court expands its previously ordered preliminary injunction to preclude Defendants from providing services to any customers who were former customers of Plaintiff IME Watchdog and listed on Plaintiffs 2016 customer list. ...

See Text Only Order dated March 27, 2023 expanding preliminary injunction.

4. Despite the expanded preliminary injunction, Defendants – and their alter egos and/or proxies Client Exam Services LLC (“CES”) and IME Legal Reps – have continued to serve law firms that Defendants have been enjoined from serving (the “Enjoined Customer List”).¹

¹ See ECF Docket Entries 180-7 and 299-2, filed under seal.

5. On October 20, 2023, this Court concluded that Safa directed her friend/relative Fari Gutierrez to create CES to circumvent the Court’s temporary restraining Order (“TRO”). See IME Watchdog, Inc. v. Gelardi, 2023 U.S. Dist. LEXIS 189054 (E.D.N.Y. Oct. 20, 2023).

6. This Court further found “overwhelming, undisputed evidence that Defendants and any persons/entities acting in concert with them” have continued to operate a “business that unfairly competes with Plaintiff in violation of the law” through the operation of Client Exam Services. Id.

7. Notwithstanding, on March 31, 2023, just three (3) days after the expanded preliminary injunction was issued, “Christian Hogarth from [CES]” accompanied Nathan Blankson, a plaintiff in a personal injury case who is represented by Zemsky & Salomon LLP (“Zemsky”), a firm on the Enjoined Customer List, at an independent medical examination (“IME”). See NYSCEF Docket Entry 11 in Blankson v. Senatore, Index No.: 800532/2022E (Bronx County Supreme Court).

8. Further, on March 15, 2023,² “Tiffani Uribe from [CES]” accompanied Miguel Bienvenido Bermeo Vera, a plaintiff in a personal injury case who is represented by Subin Associates LLP (“Subin”), a firm on the Enjoined Customer List, at an IME. **(Annexed hereto as Exhibit “A” is a copy of the IME report we received in response to a subpoena served regarding Miguel Bienvenido Bermeo Vera’s lawsuit).**

9. In addition, on April 5, 2023, just one (1) week after the expanded preliminary injunction was issued, “Tiffany Uribe” – who previously worked for IME Companions LLC (“Companions”), then worked at CES, and now works at IME Legal Reps – accompanied Patricia

² Although this IME predated the expanded preliminary injunction at the time, Defendants were nonetheless completely enjoined from operating their illegally obtained business at that time pursuant to the March 10, 2023 TRO.

Tavera, a plaintiff in a personal injury case who is represented by Zemsky, at an IME. See NYSCEF Docket Entry [14](#) in Tavera v. QLR Three Inc., Index No.: 32266/2020E (Bronx County Supreme Court).

10. On April 14, 2023, “Christine [*sic*] Hogarth of [CES]” accompanied Jean Sine, a plaintiff in a personal injury case, who is also represented by Subin,³ at an IME. **(Annexed hereto as Exhibit “B” is a copy of the IME report we received in response to a subpoena served regarding Jean Sine’s lawsuit along with a copy of the subpoena).**

11. On April 19, 2023, “Mark IME Companion” accompanied Tomasz Olfans, a plaintiff in a personal injury case who is similarly represented by Subin, at an IME. See NYSCEF Docket Entry [26](#) in Olfans v. Calderon, Index No.: 59291/2022 (Westchester County Supreme Court).⁴

12. On April 20, 2023, “Ms. Tiffany Uribe from [Companions]” accompanied Kiera Cohen, a plaintiff in a personal injury case represented by The Gucciardo Law Firm PLLC, a firm on the Enjoined Customer List, at an IME. See NYSCEF Docket Entry [22](#) in Cohen v. Salvatore Micleotta, Index No.: 602851/2022 (Nassau County Supreme Court).

13. Plaintiff has served additional subpoenas to which we are awaiting responses. To the extent that Plaintiff receives additional information giving rise to a finding of contempt, the same will be presented at the May 29, 2024 hearing.

14. Plaintiffs have also obtained an invoice issued by Companions to Subin establishing thirty-seven (37) separate and distinct violations of this Court’s Order – and that was

³ See NYSCEF Docket Entry [1](#) in Sine v. Bardinal, Index No.: 701366/2022 (Queens County Supreme Court) (establishing Subin represents the plaintiff).

⁴ Upon information and belief, “Mark” is Mark Purificati, an employee of Companions.

just in April 2023 for one customer on the Enjoined Customer List! See ECF Docket Entry [220-3](#) **(copy of an invoice issued by Companions to Subin for services provided in April 2023).**

15. It is respectfully submitted that the foregoing publicly filed records substantiate and authenticate the Subin invoice, as do the following publicly filed reports.

16. On March 3, 2023, Christian Hogarth of Companions accompanied Athanasios Hondros, a plaintiff in a personal injury case who is represented by Subin, at an IME. See NYSCEF Docket Entry [103](#) in **Hondros v. Genovese Drug Stores, Inc., Index No.: 509415/2020 (Kings County Supreme Court).**

17. On March 13, 2023, Christian Hogarth of CES accompanied Britney McGrath, a plaintiff in a personal injury case who is represented by Subin, at an IME. See NYSCEF Docket Entry [21](#) in **McGrath v. Singh, Index No.: 509914/2022 (Kings County Supreme Court).**

18. On March 22, 2023, “Jeffrey Bieben from his lawyer’s office” accompanied Nasir Khan, a plaintiff in a personal injury case who is represented by Subin, at an IME. See NYSCEF Docket Entry [66](#) in **Khan v. Guerra, Index No.: 151399/2021 (New York County Supreme Court).**

19. On March 23, 2023, “Mark Purificati” accompanied Adriene Harrison, a plaintiff in a personal injury case who is represented by Subin, at an IME. See NYSCEF Docket Entry [28](#) in **Harrison v. Bolla Em Realty, LLC, Index No.: 700142/2021 (Queens County Supreme Court).**

20. On April 12, 2023, “Mark Purificati” accompanied Danielle Wadler, a plaintiff in a personal injury case who is represented by Subin, at an IME. **(Annexed hereto as Exhibit “C” is a copy of the IME report we received in response to a subpoena served regarding Danielle Wadler’s lawsuit along with a copy of the subpoena).**

21. On April 17, 2023, “Sara Gonzalez from Subin Associates” accompanied Jauna Young, a plaintiff in a personal injury case, who is represented by Subin, at an IME. See NYSCEF Docket Entry [58](#) in *Young v. 2009-2011 Amsterdam Avenue LLC*, Index No.: 155612/2022 (New York County Supreme Court).

22. Each of the foregoing IMEs were conducted and contained in the Subin invoice, thus authenticating same.

23. There are thus nine (9) authenticated IME reports which are referenced in the Subin invoice.

24. Plaintiff was damaged by the Defendants’ continued contempt as follows.

25. For each IME completed, Plaintiff is entitled to damages for loss of goodwill and lost profits, the amount which it shall prove at the May 29, 2024 hearing, and which should be kept confidential and/or under seal.

26. In addition, this Court should issue a fine of \$5,000.00 per IME.

27. Finally, Plaintiff is entitled to attorneys’ fees and costs, which continue to accrue, and which Plaintiff will supplement.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 21, 2024.

Daniella Levi

Daniella Levi, Esq.

Signature: *daniella levi*
daniella levi (Apr 21, 2024 16:51 EDT)

Email: daniellalevi@levilawny.com

2024-04-21 Supplemental Levi Declaration

Final Audit Report

2024-04-21

Created:	2024-04-21
By:	Emanuel Kataev (mail@emanuelkataev.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAALzw9ucqhmRp9EOtfqZ4HtjGBZ1vkRfJc

"2024-04-21 Supplemental Levi Declaration" History







-  Document created by Emanuel Kataev (mail@emanuelkataev.com)
2024-04-21 - 8:49:49 PM GMT- IP address: 67.247.3.168
-  Document emailed to daniellalevi@levilawny.com for signature
2024-04-21 - 8:50:30 PM GMT
-  Email viewed by daniellalevi@levilawny.com
2024-04-21 - 8:50:49 PM GMT- IP address: 108.29.44.50
-  Signer daniellalevi@levilawny.com entered name at signing as daniella levi
2024-04-21 - 8:51:29 PM GMT- IP address: 108.29.44.50
-  Document e-signed by daniella levi (daniellalevi@levilawny.com)
Signature Date: 2024-04-21 - 8:51:31 PM GMT - Time Source: server- IP address: 108.29.44.50
-  Agreement completed.
2024-04-21 - 8:51:31 PM GMT

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
MIGUEL BIENVENIDO BERMEIO VERA AND TANIA
YADIRA ZAMORA BERMEIO,

Index No.: 29303/2020E

Plaintiffs,

**3101(d) EXPERT
EXCHANGE**

-against-

BOSTON HOTEL LLC, WE CHING HU PACIFIC RIM
LLC, CORE CONTINENTAL CONSTRUCTION LLC,
AMERISTAR CONSTRUCTION LLC AND NY
DRILLING INC.,

Defendants.

-----X
BOSTON HOTEL LLC

Third Party Plaintiff,

-against-

PACIFIC RIM LLC, CORE CONTINENTAL
CONSTRUCTION LLC, and RICHMOND
CONSTRUCTION INC.,

Third Party Defendants.

-----X
BOSTON HOTEL LLC,

Second Third-Party Plaintiff,

-against-

COLONY INSURANCE COMPANY,

Second Third-Party Defendant.

-----X
C O U N S E L O R S:

PLEASE TAKE NOTICE, that Defendant, BOSTON HOTEL LLC, by their attorneys
GALLO VITUCCI KLAR LLP, as and for their Expert Witness Disclosure pursuant to CPLR §

3101(d) hereby allege as follows:

1) The qualifications of the expert.

Curriculum Vitae of Rene Elkin, MD, is annexed hereto as **Exhibit “A”**.

2) The subject matter on which the expert is expected to testify.

Dr. Elkin is expected to testify as to the injuries, if any, sustained by the Plaintiff, MIGUEL BIENVENIDO BERMEO VERA, in the subject occurrence; the disabilities, if any sustained by said Plaintiff in the subject occurrence; said Plaintiff’s prognosis, necessary medical treatments, if any, and the costs associated therewith.

3) The facts and opinion on which the expert is expected to testify.

Dr. Elkin is expected to testify in accordance with her report dated April 3, 2023, a copy of which is annexed hereto as **Exhibit “B”**.

4) A summary of the grounds for the expert’s opinion.

Dr. Elkin will base her opinions on Plaintiff’s hospital/medical records; her review of films taken of the Plaintiff; tests and studies performed on the Plaintiff; narrative reports; Plaintiff’s Bill of Particulars and other discovery responses; deposition testimony; trial testimony and her examination of Plaintiff, MIGUEL BIENVENIDO BERMEO VERA AND TANIA YADIRA ZAMORA BERMEO.

PLEASE BE FURTHER ADVISED that the Defendant(s), Boston Hotel LLC reserve(s) the right to supplement this Disclosure up until the time of trial in accordance with Civil Practice

Law and Rules 26 and CPLR § 3101(d).

Dated: New York, NY
May 3, 2023

Yours etc.,

GALLO VITUCCI KLAR LLP



By.: Kelli McGrath, Esq.
Attorneys for Defendant/TP Plaintiff
Boston Hotel LLC
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New York, New York 10004
Phone.: (212) 683-7100
Fax: (212) 683-5555
File No.: ARGO-2022-09
kmcgrath@gvlaw.com

TO:

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150 Broadway, 23rd Floor

(212) 285-3800
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Attorney for Third-Party Defendants
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Continental Construction LLC
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FABER VROCKS & ZANE LLP
Attorneys for Second TP Defendant
Colony Insurance Company
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Garden City, New York 11530
(516) 739-5100
jpoe@fbzlaw.com

EXHIBIT “A”

CURRICULUM VITAE

RENE ELKIN, M.D.

Director
Division of Neurology

EDUCATION:

Ellerslie High School, Cape Town Senior Certificate (Matriculation)	1969
MBChB, University of Cape Town	1975
Fellow of College of Physicians (South Africa)	1981
American Board of Neurology & Psychiatry	1994

MEDICAL EXPERIENCE:

Resident in Neurology, Albert Einstein College of Medicine/ Montefiore Medical Center	1989-1992
Research Fellow in Clinical Science and Immunology, University Cape Town (Guy Elliot Research Fellowship) 1983-1985	
Senior Resident in Neurology, University of Cape Town	1982-1983
Resident in Neurology, Groote Schuur Hospital,	1981-1982
Resident in Internal Medicine, Groote Schuur Hospital, University of Cape Town, South Africa	1979-1981
Senior House Officer, Groote Schuur Hospital,	1977-1978

Pediatrics (6 months)
Neurology (6 months)
University of Cape Town, South Africa

Intern, Groote Schuur Hospital, University of Cape Town, 1978-1979
South Africa:

Obstetrics & Gynecology (6 months)

Internal Medicine (6 months)

ACADEMIC APPOINTMENTS:

Attending Neurologist, Assistant Professor, Mt Sinai School of Medicine
2016 -

Attending Neurologist, Bronx Lebanon Hospital Center 1993-present

Attending Neurologist Albert Einstein College of Medicine 1993-2015

Attending Neurologist, Medical Rehabilitation Research and
Training Center for Multiple Sclerosis 1987-
present

Assistant Professor, Department of Neurology, Albert Einstein
College of Medicine/ Montefiore Medical Center 1987-2015

Research Associate, Department of Neurology, Albert Einstein
College of Medicine 1/86-6/87

Attending in Internal Medicine, Groote Schuur Hospital
University of Cape Town, South Africa 1983-1985

HOSPITAL APPOINTMENTS:

Chief, Department Neurology Bronx Care Health System 2015-present

Director, Multiple Sclerosis Care Center White Plains, New York	1993-present
Director Multiple Sclerosis Clinic, Bronx Care Health System	1993-present
Attending, Neurology - Bronx Care Health System	1993-present
Attending, Bronx Municipal Hospital Center Department of Neurology	1987-1992
Attending, Department of Neurology Albert Einstein College of Medicine and Montefiore Medical Center	1987-2015
Attending, Department of Neurology, Groote Schuur Hospital, University of Cape Town	1983-1985

LICENSURE AND MEMBERSHIPS:

American Academy of Neurology	1992
New Jersey State License	1988
New York State License	1987
FLEX	1986
Fellow of College of Physicians (South Africa)	1981
British Medical Council	1976
E.C.F.M.G	1975
S.A. Medical and Dental Council	1975

NYS Neurological Society 2004

Clinical Advisory Committee-NY Chapter Multiple Sclerosis Society 2007

HONORS AND AWARDS:

New York Magazine, Best Doctors, 2001, 2002, and 2004

National Multiple Sclerosis Society - Health Care Professional Award 2007

Inductee to the National MS Society's 2010 Volunteer Hall of Fame in Health Professionals

Best Teacher Award - Department of Medicine,
Bronx Lebanon Hospital Center 2013

BOARD CERTIFICATIONS:

Internal Medicine, South Africa, United Kingdom 1981

Neurology, South Africa, United Kingdom 1983

Neurology, American Board of Neurology & Psychiatry 1994

Recertification, American Board of Psychiatry & Neurology 2004, 2014

Maintenance of Certification 2021

INVITED LECTURES:

Bronx Lebanon Hospital Center (1989). "Aids Neurology."

Bronx Lebanon Hospital Center (1990). "Aids Neurology."

Bronx Lebanon Hospital Center (1991). "Aids Neurology."

Queens General Hospital (1992). "Differential Diagnosis of Multiple Sclerosis."

Bronx Lebanon Hospital Center (1993). "Diagnosis and Management of Headache."

Bronx Lebanon Hospital Center, Dept. of Psychiatry (1994). "Parkinson's Disease."

Bronx Lebanon Hospital Center, Dept. of Psychiatry (1994). "Movement Disorders."

Bronx Lebanon Hospital Center, Dept. of Medicine (1994). "The Clinical Spectrum of Neurologic Aids."

Bronx Lebanon Hospital (1997). "Management of Spasticity."

Montefiore Medical Center, Dept. of Psychiatry (1998). "Current Treatments in MS."

Englewood Hospital, Dept. of Neurology (1998). "New Treatments in MS."

Bronx Lebanon Hospital (1998). "Current Treatments in MS."

Metropolitan Hospital (1998). "Current Treatments in MS. including Childhood M.S."

Columbia Presbyterian Hospital (1998). "Current Treatments for Spasticity."

Montefiore Medical Center, Dept. of Medicine (1998). "New Treatments for Multiple Sclerosis."

New York Medical College, Dept. of Neurology (2004). "Current Approach to Treatment of Multiple Sclerosis"

Montefiore Medical Center, Dept. of Neurology (2004). "Current Treatment of Multiple Sclerosis"

Norwalk Hospital, (2004). "Current Trends In the Treatment of Multiple Sclerosis"

Albert Einstein College of Medicine/Montefiore Medical Center (2008). "Gender issues in MS"

Bronx Lebanon Hospital Center (2009). "New Treatment Approaches in MS"

Bronx Lebanon Hospital Center (2011). "What's New In MS?"

Jacobi Medical Center (2013). "New Developments in MS"

Multiple Sclerosis Research Day, NY (2015) "Current Therapies in MS"

Population Council, Center for Biomedical Research (2019) "Current Insights and Therapies for MS"

LEADERSHIP & EDUCATION:

Director/Chief of the Neurology Department at Bronx Care Health System

Director of the Designated Multiple Sclerosis Center in the Bronx.

Organize and lead sessions for medical students, residents and faculty to address program specific clinical and educational requirements.

Educate all staff to conduct a critical analysis to ensure that they evaluate the quality and effectiveness of the clinical care and outcomes on the Neurology service.

Provide instruction and support services to faculty, staff, administration, residents and medical students in learning more about the Neurology program.

Advising medical students and residents in setting future career goals and how to achieve them. Recommend ways in which they may enhance their application for residency or a faculty position.

Emphasize critical thinking and encourage students and residents to see research and inquiry as activities central to the day-to-day operations.

Interview, train and orientate medical students and residents on the Neurology service.

Reviewed, evaluated, and suggested changes in program specific requirements, policies and procedures.

Didactic education in Neurology for medical students, internal medicine, and psychiatry residents.

Organize and run the Neurology for Psychiatrists curriculum and education.

Supervise and direct the Neurology related infusions in the Infusion Unit.

Prepare the curriculum and lectures for board preparation for internal medicine and psychiatry residents

PUBLICATIONS:

Elkin R, Wilcox P: Neurosarcoidosis - a report of 5 cases S. Afr. Med. J. 1985; 64:943.

Elkin R, Lyman WD, Brosnan CF, Bornstein MB: EAE-Serum Decreased CNPase Activity in Cultures of B104 Cells. Annals of the New York Academy of Sciences. 1988; 540: 396 - 397.

Elkin R, Holland NJ, Scheinberg LC: Overview of Multiple Sclerosis. Paraplegia News, April, 1988.

Elkin R, Scheinberg LC: Update on Multiple Sclerosis. Hospital Medicine January 1990.

Elkin R, Scheinberg, LC: Management of Multiple Sclerosis in the 1990's. Comprehensive Therapy January 1992.

Elkin R, Scheinberg LC: Multiple Sclerosis-Treatment and Rehabilitation. Principles and Practice of Restorative Neurology (BIMR Vol. II) E.R. Young. 1992 Book I.

Elkin R, Multiple Sclerosis and Pregnancy. Complications of Pregnancy (5th edition). Eds. Cohen, W and Parisi, V

Elkin R, Giesser B.S., Kanof P.D., Aisen M.L. Neurology Specialty Board Review, 800 Questions and Answers (4th Edition)

Elkin R, Multiple Sclerosis and Pregnancy. Complications of Pregnancy (6th edition) Eds. Cohen, Wand, Parisi, V.

Divya, A, Bajaj, T, Gonzalez, J and **Elkin, R**: Ramsay Hunt Syndrome with Multiple Cranial Neuropathy in an HIV Patient. Am J Case Rep. 2018;19: 68–71. Published online 2018 Jan 18. doi:10.12659/AJCR.906834 PMID: PMC5782836

Zaidi, S, Babaj, T and **Elkin, R**: Cerebrofacial Arteriovenous Metameric Syndrome (CAMS) Type II. Am J NeuroRad, 39, 3, 2018

Misbahuddin K, Gomez GPR, Santana Y, Haider A, Perez Lara JH, **Elkin Rene** A 44-year-old Hispanic man with loss of taste and bilateral facial weakness diagnosed with Guillain-Barre Syndrome and Bell's Palsy associated with SARS-CoV-2 Infection treated with Intravenous Immunoglobulin. Am J Case Rep, 21;2020 DOI:10.12659/AJCR.927956

ABSTRACTS:

Bornstein MB, **Elkin R**, Brosnan CF, Lyman WD: Delta-9-Tetra-hydrocannabinol as an Effective Treatment for Inflammatory Demyelination (1985). Abstract presented at the annual meeting of the American Association of Neuropathologists of the ECTRIMS Congress in Lyon.

Lyman WD, Claudio L, **Elkin R**, Brosnan CF, Bornstein MB: Delta-9 Tetra-hydro-cannabinol Suppresses Clinical Signs and Inflammation. (1986). Abstract presented at the 10th International Congress of Neuropathology. Stockholm, Sweden.

Lyman WD, **Elkin R**, Silver DA, Brosnan CF, Bornstein MB: Delta-9-Tetrahydrocannabinol as a Therapeutic Agent for Experimental Autoimmune Encephalomyelitis. (1986) Abstract presented at the Mid-west Immunology Conference.

Elkin R, Lyman WD, Brosnan CF, Bornstein MB: Delta-9-Tetrahydrocannabinol: A Novel Treatment for Inflammatory Demyelination. Proc. Fed. Am. Soc. Exp. Biol. (1987). Abstract presented at the annual meeting of the American Association of Immunologists, 1987.

Elkin, R. Lyman WD, Raine CS, Bornstein MB: Quantitation of Myelination in Organotypic Culture. Abstract presented at the annual meeting of the American Association of Neuropathologists, Journal of Neuropathology and Experimental Neurology. (1987)

Elkin, R, Lyman WD, Brosnan CF, Bornstein MB: EAE-Serum Decreased CNPase Activity in Cultures of B104 Cells (1987). Abstract presented at the Second International Congress of Neuroimmunology.

Elkin R, La Rocca, N, et al. Job Retention in Persons with Multiple Sclerosis. Abstract presented at American Academy of Neurology in San Francisco (1996).

Elkin R, Kalb R, et al. Childhood Multiple Sclerosis - Abstract presented at Consortium for Multiple Sclerosis Centers (1997)

Zaidi, S, Bajaj, T, **Elkin, R**: CAMS Type II with Unusual Involvement of Temporal Lobe. Abstract. Poster presentation. AAN, LA, 2018

RESEARCH:

Principal Investigator 2019: MS Clinical Outcomes in Minority Population in the South Bronx

Co-Investigator 2013: Novel MRI Markers in Primary Progressive MS

Neuro-Next Collaborator 2013: Neurological Research in MS

Principal investigator 2006: A randomized, controlled, open label parallel group study to evaluate the effect of regularly scheduled neutralizing antibody testing on treatment patterns versus usual care in high dose interferon treated subjects.

Principal Investigator 2007: Impact of neutralizing antibodies on interferon responsive genes highlights biomarker response (INSIGHT Study).

Principal Investigator 2010: Stratify Study-J C Virus in Tysabri treated patients with Multiple Sclerosis.

EXHIBIT “B”

René Elkin, MD
1560 Grand Concourse
Suite 102
The Bronx, NY 10457

April 3, 2023

Kelli McGrath, *Esquire*
Gallo, Vitucci & Klar, LLP
90 Broad Street
Twelfth Floor
New York, NY 10004

Claimant: Miguel Bienvenido Bermeo Vera
File #: 29303/2020E.
Claim #: ARGO.2022009
D/A: 12/19/19
Date of Examination: 3/15/23

Dear Ms. McGrath:

I examined the above-named claimant, Miguel Bienvenido Bermeo Vera for an independent neurological examination on March 15, 2023. He presented a New Jersey driver license for identification. **Ms. Tiffani Uribe from Client Examination Services**, and Mr. Marial Araujo, Spanish interpreter from SpeakEasy Services, **were present at this examination**. The claimant is 44 years old. He is married. He has four healthy children. He does not smoke, drink or use illicit recreational substances. He denied any general health problems. He denied prior or subsequent accidents or injuries. He is not currently working and has not returned to work since the subject accident.

The following records were provided for my review:

1. Verified Bill of Particulars index # 29303/2020E.
2. Examination Before Trial dated 1/24/23 and 1/31/23.
3. Jacobi Medical Center –
 - FDNY Ambulance Corps report 12/19/19 (excruciating lower back pain).
 - Emergency Department record 12/19/19 (complaint of neck, upper and lower back pain).
 - 12/19/19: CT scan head, CT scan cervical spine, CT scan thoracolumbar spine, CT scan thoracic spine, x-ray chest, x-ray pelvis, CT scan chest, abdomen and pelvis.
4. Integrated Specialty ASC – Mohammed H. Dorri, MD -
 - Lumbar epidural steroid injections 1/25/21, 3/22/21.
 - Cervical spine injections 6/2/21, 6/30/21.

Gallo, Vitucci & Klar, LLP
New York, New York

April 3, 2023
Claimant: Miguel Bienvenido
Bermeo Vera
File #: 29303/2020E.
Claim #: ARGO.2022009

5. Bridge Medical Psychological evaluation 6/30/22-major depressive disorder; anxiety disorder-Elvira Acosta LCSW-R.
6. Hudson Regional Hospital –
 - MRI of the right and left knees 1/23/20.
 - MRI of the cervical spine 1/23/20-cervical spine straightening, disc bulging C3-4, C4-5, C5-6.
 - MRI lumbar spine 1/23/20 disc bulging L5-S1, L4-5-disc herniation with annular tear exerting pressure on the thecal sac.
 - Daily chiropractic notes-12/30/19 -7/15/20.
7. Island Ambulatory Surgical Center NY –
 - Operative report: posterolateral lumbar fusion at L4 - L5 – 7/20/20 – Vadim Lerman, DO.
8. Total Orthopedics & Sports Medicine – Vadim Lerman, DO 2/3/20: neck and lower back pain. Follow up through 1/7/21.
9. North American Spine and Pain Institute 12/18/20- Mohammed H. Dorri MD 12/18/20-left knee injection. Follow up 1/8/21, 2/10/21, 3/25/21.
10. Hudson Premier HealthCare Partners-physical therapy treatment records-8/6/20-9/3/20 (lumbar spine); 1/7/20-3/10/20 (right knee, left knee).

On December 19, 2019, he stated that he fell off a ladder. He stated that he lost consciousness for an indeterminate period. He did not sustain any visible injuries. He reported pain in his head, shoulders, lower back, and knees. He was evaluated in the Emergency Department at Jacobi Medical Center where he was transported by ambulance. The FDNY Ambulance Corps report notes that his vital signs were stable. He was reportedly crawling on the floor complaining of severe back pain. Specifically, it is noted that he denied head, neck or shoulder pain, dizziness or further complaints. In the Emergency Department at Jacobi Medical Center, his vital signs are noted to be stable. He complained of neck and back pain following the fall. The physical examination noted that he was “mildly lethargic,” but his Glasgow Coma Scale is noted to be normal at 15. There was cervical, thoracic and lumbar spine diffuse tenderness. Radiological studies included a CT scan of the head that revealed no evidence for intracranial injury and a CT scan of the cervical spine that revealed no evidence for acute traumatic injury. X-ray of the pelvis revealed no evidence for fracture. CT scan of the thoracic spine is noted to be normal. CT scans of the chest and thoracolumbar and sacral spine are noted to be normal. The chest x-ray revealed elevation of the right hemidiaphragm, but the final report is normal. The CT scan of the chest, abdomen and pelvis revealed no evidence for traumatic injury. An enlarged spleen was noted unrelated to the subject accident. He was noted to be ambulatory and discharged with prescriptions for a nonsteroidal anti-inflammatory agent and acetaminophen.

Gallo, Vitucci & Klar, LLP
New York, New York

April 3, 2023
Claimant: Miguel Bienvenido
Bermeo Vera
File #: 29303/2020E.
Claim #: ARGO.2022009

He came under the care of Integrated Specialty ASC where he underwent injections to the cervical and lumbar spines that included a lumbar epidural steroid injection on January 25, 2021, March 22, 2021, and cervical epidural steroid injections on June 2, 2021, and June 30, 2021. He was seen in Orthopedic consultation. He was seen for a clinical psychological evaluation. Radiological studies included MRI of the right and left knees on January 23, 2020, and MRIs of the cervical and lumbar spines on January 23, 2020. On July 20, 2020, he underwent a posterolateral lumbar fusion at L4 - L5 performed by Dr. Vadim Lerman. Prior to the surgery, he stated that he received physical therapy and chiropractic treatments that were unhelpful. He was prescribed cyclobenzaprine, tramadol, amitriptyline, and baclofen. He received physical therapy until twenty days ago that he stated did not relieve his pain. He continues to follow up with his treating physicians, Drs. Lerman and Dorri. He stated that treatments to date have been unhelpful.

Currently, he reports neck pain. He stated that pain occurs with movement that radiates into his arms that are weak and numb. He is right-handed.

Secondly, he reports lower back pain that is constant, aggravated by movement and diminished by rest. He stated that injections were helpful only for four-to-five days. His legs are weak and numb. He describes constipation. He reports erectile dysfunction. He denied any bladder function. He stated that pre-surgery, the lower back pain was ten-out-of-ten, now it is eight-out-of-ten.

Thirdly, he reports that he is stressed and anxious. He is on medications for depression. He sees a psychiatrist and a therapist. He stated that his depression is improving.

Finally, he reports headaches. He stated that he takes medications that he is unable to name that are helpful. He stated that the headache is intermittent, left-sided and right frontal in location. There are no triggers. He denied prior headaches.

He no longer describes pain to his knees or shoulders.

As a result of his symptoms, he is unable to run, walk or work. He is unable to drive.

The neurologic physical examination revealed a 5', 8" tall male who weighs 220 pounds. He was awake, alert and oriented. He was in no acute distress. Cranial nerves II – XII were normal. Peripheral muscle power, tone and bulk were normal. There was no muscle weakness. There was no muscle wasting. The deep tendon reflexes were symmetrical and of normal amplitude. Sensation was intact to all modalities. The plantar responses were flexor. Coordination, gait and station were normal. There was no clinical carpal tunnel syndrome in either wrist. He was unable to lie prone on the examining table because of reported pain.

Gallo, Vitucci & Klar, LLP
New York, New York

April 3, 2023
Claimant: Miguel Bienvenido
Bermeo Vera
File #: 29303/2020E.
Claim #: ARGO.2022009

Range of motion was performed using visual inspection, self-demonstration and use of a goniometer. All values were recorded according to “AMA Guidelines for Permanent Impairment” 5th Edition, March 2002. Range of motion may be subjective, under the voluntary control of the person being tested.

Examination of the neck revealed full range of motion on forward flexion to 50 degrees (normal is 50 degrees), retroflexion to 60 degrees (normal is 60 degrees) and lateral rotation to either side to 80 degrees (normal is 80 degrees). There was tenderness to palpation of the cervical spine and cervical musculature. There was no palpable cervical muscle spasm. The cervical compression test was negative.

Examination of the left shoulder revealed restriction of elevation and abduction to 90 degrees, the right shoulder on elevation and abduction to 130 (normal is 180 degrees). He described pain on movement of the left shoulder. There was no objective inflammation.

Examination of the lower back revealed full range of motion on forward flexion to 60 degrees (normal is 60 degrees), retroflexion to 25 degrees (normal is 25 degrees) and lateral bending and lateral rotation to either side to 25 degrees (normal is 25 degrees). There was pain with tenderness to palpation of the lumbar spine and lumbar musculature, right more than left. There was a one-and-a-half-inch scar to the right of midline and two punctate scars to the left of midline. There was no palpable lumbar muscle spasm. The straight leg raising test was to 90 degrees bilaterally and he reported left knee pain and lower back pain. He stated that he does not feel his left thigh, knee, and calf.

Examination of the knee revealed restriction of flexion to 130 degrees (normal is 150 degrees) and extension full to 0 degrees. He describes pain. There was no objective inflammation.

There are no objective findings on the neurological physical examination for any structural neurological injury sustained as a result of the subject accident. There are no objective findings for cervical or lumbar radiculopathy. There are no objective findings for any neurological injury that would prevent him from returning to his pre-accident level of function without restrictions. Radiological studies included an x-ray of the cervical spine that reports osteophytosis at C5, C6 and C7 that cannot be attributed to this accident. The reported MRI findings are not supported by objective findings on the clinical neurological examination. There is no objective evidence for residual neurological injury that would prevent him from returning to his pre-accident level of function without restrictions. There are no objective findings for accident -related neurological permanency or disability. No further neurologic treatment is indicated or warranted.

Gallo, Vitucci & Klar, LLP
New York, New York

April 3, 2023
Claimant: Miguel Bienvenido
Bermeo Vera
File #: 29303/2020E.
Claim #: ARGO.2022009

Pursuant to CPLR Section 2106, I, René Elkin, MD hereby affirm under the penalties of perjury that I am duly licensed to practice medicine in the State of New York. I affirm under the penalties of perjury that my assertions and conclusions contained in the above report are true. All opinions are expressed to a reasonable degree of medical certainty. I also affirm under the penalties of perjury that the signature on this report is an original signature, hand signed by me.

Yours truly,

A handwritten signature in cursive script that reads "René Elkin MD".

René Elkin, MD
Chief - Division of Neurology
Bronx Care Health System
Medical License #: N.Y.S. 169642

tm

AFFIDAVIT OF SERVICE VIA EMAIL

Mary Thompson, being duly sworn, deposes and says that she is not a party to the within action, is over the age of 18 years and resides in the County of Middlesex, and that on the on the 5th day of May, 2023 served the within **3101(d) EXPERT EXCHANGE** upon all parties at the e-mail addresses designated by said parties in this matter for that purpose.

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Mary Thompson

Sworn to me on this

5th day of May 2023



Notary Public

Claudette Garraud

Commissioner of Deeds, City of New York

No. 2-13167

Cert. Filed in New York County

Comm Expires November, 2023

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.: 29303/2020E

MIGUEL BIENVENIDO BERMEO VERA
AND TANIA YADIRA ZAMORA BERMEO,

Plaintiff,

- against -

BOSTON HOTEL LLC, WE CHING HU PACIFIC RIM LLC,
CORE CONTINENTAL CONSTRUCTION LLC,
AMERISTAR CONSTRUCTION LLC AND NY DRILLING INC.,

Defendants.

And other actions.

3101(d) EXPERT EXCHANGE

GALLO VITUCCI KLAR LLP
Attorneys for Defendant/TP Plaintiff/Second TP Plaintiff
Boston Hotel, LLC.
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Tel: (212) 683-7100
File No.: ARGO-2022-09
kmcgrath@gvlaw.com

EXHIBIT B

WARREN E. COHEN, M.D.

Diplomate, American Board of Psychiatry and Neurology

April 20, 2022

EXAMINEE:	Jean Sine
CLAIM #:	BU202106220014001
D&D ACCT #:	22723002394-3
DATE OF INCIDENT:	6/22/21
DATE OF EXAM:	4/14/23
EXAM LOCATION:	Bayside, NY

To Whom It May Concern:

I am a New York State licensed physician and board-certified neurologist. At your request, on 4/14/23, a neurological evaluation was performed on the above-named examinee, the report of which is contained herein. Prior to the examination, photo identification was noted in the form of a New York State Commercial Driver License. Also prior to the evaluation, the evaluation process was explained to the examinee, and the examinee understands that no patient/treating physician relationship was established or implied. The examinee was advised that the information obtained through this evaluation today will be reported to the requestor of the evaluation.

The examinee is accompanied by Christine Hogarth of Client Exam Services.

Review of Records:

The following records were provided for review:

- Verified Bill of Particulars, Index No. 701366/2022, dated 5/25/22
- Encounter note, Jason M. Gallina, MD, PC, Jason Gallina, MD, dated 11/3/21
- Encounter note, Jason M. Gallina, MD, PC, Jason Gallina, MD, dated 2/2/22
- Encounter note, Jason M. Gallina, MD, PC, Jason Gallina, MD, dated 3/2/22
- Report, MRI of the left shoulder, Kolb Radiology, Thomas Kolb, MD, dated 9/13/21
- Report, MRI of the cervical spine, Kolb Radiology, Thomas Kolb, MD, dated 9/10/21. Impression: Shallow posterior disk herniation at C3-4 impinging upon the thecal sac narrowing the neural foramina bilaterally, right greater than left.
- Report, MRI of the lumbar spine, Kolb Radiology, Thomas Kolb, MD, dated 9/10/21. Impression: Interval appearance of a focal left foraminal disk herniation at L3-4 impinging upon the exiting left L3 nerve root. Central to right foraminal

Jean Sine

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- disk herniation L4-5 impinging upon the exiting right L4 nerve root, remains unchanged. Disk bulge L5-S1 impinging upon the thecal sac remains unchanged.
- Operative report, New Horizon Surgical Center, LLC, Kenneth McCulloch, MD, dated 2/24/22
 - Encounter note, McCulloch Orthopaedic Surgical Services, PLLC, Chloe Brown, PA, dated 3/12/21
 - Report, MRI of the right knee, Precision Accelerad, Siddharth Prakash, MD, dated 7/20/20
 - Operative report, New Horizon Surgical Center, LLC, Kenneth McCulloch, MD, dated 4/8/21
 - Encounter note, McCulloch Orthopaedic Surgical Services, PLLC, Kenneth McCulloch, dated 8/10/20
 - Operative report, New Horizon Surgical Center, LLC, Kenneth McCulloch, MD, dated 8/27/20
 - Encounter note, McCulloch Orthopaedic Surgical Services, PLLC, Kenneth McCulloch, dated 2/1/22
 - Report, lumbar spine x-rays, Kolb Radiology, Thomas Kolb, MD, dated 12/1/21
 - Report, cervical spine x-rays, Kolb Radiology, Thomas Kolb, MD, dated 12/1/21
 - Report, lumbar spine x-rays, Kolb Radiology, Thomas Kolb, MD, dated 10/26/20
 - Report, MRI of the left knee, Kolb Radiology, Thomas Kolb, MD, dated 3/18/20
 - Report, MRI of the lumbar spine, Kolb Radiology, Thomas Kolb, MD, dated 3/18/20. Impression: There is focal right foraminal disk herniation at L4-5 impinging upon the exiting right L4 nerve root. Clinical correlation is in order. Disk bulge L5-S1 impinging upon the anterior epidural fat. Thickening multiple descending intrathecal nerve roots.
 - Report, MRI of the right knee, Kolb Radiology, Thomas Kolb, MD, dated 3/18/20
 - Encounter note, Jason M. Gallina, MD, PC, Jason Gallina, MD, dated 11/18/20
 - Encounter note, Jason M. Gallina, MD, PC, Jason Gallina, MD, dated 9/29/20
 - Encounter note, All Boro Medical Rehabilitation, Kevin Weiner, MD, dated 9/24/21
 - Report, EMG/nerve conduction study, All Boro Medical Rehabilitation, Felix Karafin, MD, dated 11/10/21. Impression: The above electrodiagnostic study reveals evidence of right C4-5 and L5-S1 radiculopathy.
 - Encounter note, All Boro Medical Rehabilitation, Kevin Weiner, MD, dated 8/27/21
 - Encounter note, All Boro Medical Rehabilitation, Felix Karafin, MD, dated 7/12/21
 - Emergency department note, Jamaica Hospital Medical Center, James Kolodny, MD, dated 5/30/18
 - Emergency department note, Jamaica Hospital Medical Center, Nicole Tuccillo, PA, dated 6/23/21
 - Report, thoracic spine x-rays, Jamaica Hospital Medical Center, Omar Amuk, MD, dated 6/23/21
 - Report, left elbow x-rays, Jamaica Hospital Medical Center, dated 6/23/21

Jean Sine

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- Report, left shoulder x-rays, Jamaica Hospital Medical Center, Omar Amuk, MD, dated 6/23/21
- Postoperative visit, New York Sports and Joints Orthopaedic Specialists, Kenneth McCulloch, MD, dated 3/10/22

Past Medical History:

The examinee reports no history of significant medical problems.

Surgical History:

The examinee reports a history of left shoulder surgery in February 2022.

Current Medications:

The examinee reports taking no medications currently.

Occupational History:

The examinee refused to answer any questions regarding employment.

History as reported by the examinee:

The examinee reports that on the day of the incident was a standing passenger on transit bus holding onto a handrail when the bus jerked and he felt an impact on his left shoulder. He reports that he injured his neck, mid back and left shoulder. He does not recall striking his head and there was no loss of consciousness. He was not evaluated at the hospital. He subsequently sought medical care, underwent diagnostic testing, and was provided physical therapy, chiropractic treatment and acupuncture treatment. Therapy was provided for about 4-5 months and he underwent surgery of the left shoulder. He is currently receiving no therapy or medical treatment for the alleged injuries.

Current symptoms:

The examinee reports constant pain and stiffness of the neck that radiates to the left elbow. He reports numbness of the left arm. He also reports complaints of constant mid back pain that occasionally radiates to the left leg to the toes as well as occasional numbness and tingling of the entire left leg. He additionally reports complaints of left shoulder pain.

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Physical Examination:

GENERAL:

The examinee was given an explanation of the neurological examination and was advised to perform for the testing within his limitations. The following general observations were made:

The examinee is a male appearing about his stated age of 41 years old and appearing to stand and weigh at his reported height and weight of 5 feet 10 inches and 209 pounds, with brown eyes and black hair. He is right-hand dominant. He walks to the exam room without difficulty and without the use of an orthotic or assistive device.

SKULL and SPINE:

The head appears normal and is atraumatic. Posture and stance are normal.

CERVICAL SPINE

Examination of the cervical spine reveals subjective report of tenderness to palpation of the cervical paraspinal musculature and trapezius muscles. No muscle spasm and no trigger points were noted. Spurling maneuver evokes no radicular symptoms bilaterally. Cervical range of motion measurements were determined utilizing a goniometer and referenced to the AMA Guides to the Evaluation Permanent Impairment, Fifth Edition, Section 15.11, as follows:

CERVICAL SPINE MOVEMENT	Measured	Normal	Result
Flexion	15 degrees	50 degrees	Diminished
Extension	15 degrees	60 degrees	Diminished
Lateral rotation RIGHT	20 degrees	80 degrees	Diminished
Lateral rotation LEFT	20 degrees	80 degrees	Diminished
Lateral flexion RIGHT	15 degrees	45 degrees	Diminished
Lateral flexion LEFT	15 degrees	45 degrees	Diminished

Limitation of range of motion appears self-imposed and is inconsistent with observed motion during casual observation. Limitation of range of motion reflects mechanical limitation which may be due to multiple factors including variations of perception of discomfort or pain, apprehension, cooperation, or effort and these factors are not confirmed on objective examination. Limitation of range of motion is not reflective of neurologic impairment.

Jean Sine
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THORACIC SPINE:

Examination of the thoracic spine reveals subjective report of tenderness to palpation of the thoracic paraspinal muscles. There is no muscle spasm and there are no trigger points. Thoracic excursion appears normal.

LUMBAR SPINE:

Examination of the lumbar spine reveals subjective report of tenderness to palpation of the lumbar paraspinal muscles. There is no muscle spasm and there are no trigger points. Lumbar range of motion measurements were determined utilizing a goniometer and referenced to the AMA Guides to the Evaluation Permanent Impairment, Fifth Edition, Section 15.11, as follows:

LUMBAR SPINE MOVEMENT	Measured	Normal	Result
Flexion	60 degrees	60 degrees	Diminished
Extension	10 degrees	25 degrees	Diminished
Lateral flexion RIGHT	15 degrees	25 degrees	Diminished
Lateral flexion LEFT	15 degrees	25 degrees	Diminished

Limitation of range of motion reflects mechanical limitation which may be due to multiple factors including variations of perception of discomfort or pain, apprehension, cooperation, or effort and these factors are not confirmed on objective examination. Limitation of range of motion is not reflective of neurologic impairment.

He reported complaints of dizziness upon performing lumbar flexion.

The straight-leg raising maneuver evokes no radicular pain at 50 degrees hip flexion on the right and 25 degrees on the left and was limited bilaterally by localized lower back pain.

MENTAL STATUS:

Mental status examination reveals the examinee to be alert, oriented, and cooperative, providing appropriate historical information, and able to follow and execute instructions. Speech is clear and fluent. There is no deficit of memory, cognition, fund of knowledge, affect, or thought.

Jean Sine

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CRANIAL NERVES:

There is no deficit of cranial nerve function. Pupils are symmetrically reactive to light, and visual fields are full to confrontation. Extraocular movements are full. There is no nystagmus and no ptosis. Facial sensation is intact to light touch and facial movement is symmetric. Hearing is intact to quiet voice. There is no deficit of trapezius or sternocleidomastoid strength.

MOTOR EXAM:

Muscle tone and bulk are normal. There is no evidence of muscle atrophy. Grip strength is normal bilaterally. Muscle strength is 5/5 power at all muscle groups of the upper extremities, including bilateral deltoids, triceps, biceps brachioradialis, wrist extensors and flexors, as well as all groups of the lower extremities, including bilateral iliopsoas, hip extensors, quadriceps, hamstrings, anterior tibialis, gastrocnemius/soleus muscles, foot invertors, and foot evertors. Reflexes are trace reactive and symmetric throughout the upper and lower extremities.

SENSATION:

There is no impairment of sensation to light touch, temperature, and vibration. Tinel maneuver at the left wrist provokes subjective report of "numbness" of the entire left hand. Tinel sign is absent at the right wrist and at both elbows.

COORDINATION:

There is no impairment of coordination and fine finger movements, rapid alternating movements and finger-to-nose testing are performed well. There are no adventitious movements.

GAIT:

Gait is normal-based, non-ataxic, and steady. Heel stance and toe stance are attained without difficulty. Romberg sign is absent. He declines to attempt tandem gait.

Jean Sine
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IMPRESSION:

Diagnosis:

- Cervical sprain, resolved
- Lumbosacral sprain, superimposed on prior lower back injury, as per medical records
- Normal neurologic examination with no objective clinical evidence of radiculopathy or of any deficit of neurologic function

Disability:

The exam demonstrates no impairment of neurologic function that would impair the ability of the examinee to participate in activities of daily living and all usual activities. From a neurologic perspective, the examinee is not disabled. It is not known if the examinee is working or what type of work he performs as he refuses to answer any questions regarding employment. From a neurologic perspective there is no impairment of neurologic function that would impair the ability of the examinee to participate in work activities. There is no permanent impairment of neurologic function.

I affirm under the penalties of perjury, that the information contained within this document was prepared and is the work product of the undersigned, and is true to the best of my knowledge and information.



Warren E. Cohen, M.D.
NY License #147904-1

EXHIBIT C

From: Kerri Levy <klevy@kerleywalsh.com>
Sent: Wednesday, April 17, 2024 6:12:13 PM
To: Jamie Felsen <jamiefelsen@mllaborlaw.com>
Subject: RE: IME WatchDog, Inc. v. Safa Abdulrahim Gelardi, et al. 1:22-cv-1032 (PKC)(JRC)

As we discussed, I can advise you that Mark Purificati appeared with plaintiff for an IME on April 12, 2023. The plaintiff was accompanied by "a representative of her law firm" to an IME on May 3, 2013.

Kerri E. Levy

Kerley, Walsh, Matera & Cinquemani, P.C.
2174 Jackson Avenue
Seaford, NY 11783
(516) 409-6200
klevy@kerleywalsh.com

From: Jamie Felsen <jamiefelsen@mllaborlaw.com>
Sent: Wednesday, April 17, 2024 5:29 PM
To: Kerri Levy <klevy@kerleywalsh.com>
Subject: RE: IME WatchDog, Inc. v. Safa Abdulrahim Gelardi, et al. 1:22-cv-1032 (PKC)(JRC)

You can redact medical info from the report.

Jamie S. Felsen - Partner
Milman Labuda Law Group PLLC
3000 Marcus Ave., Suite 3W8
Lake Success, NY 11042
Telephone (516) 328-8899
Fax (516) 328-0082

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of this message is not the intended recipient, you are hereby notified that you have received this message and the enclosed documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify me immediately. Thank you.

From: Kerri Levy <klevy@kerleywalsh.com>
Sent: Wednesday, April 17, 2024 5:22 PM
To: Jamie Felsen <jamiefelsen@mlaborlaw.com>
Subject: RE: IME WatchDog, Inc. v. Safa Abdulrahim Gelardi, et al. 1:22-cv-1032 (PKC)(JRC)

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Jamie, I just tried to call you but got the after hours mailbox. We cannot provide the IME reports as they are protected by HIPAA privilege. But we can tell you the identity of the person who accompanied plaintiff to one of the IMEs held. The person that accompanied the plaintiff to the other IME was not identified.

Kerri E. Levy

Kerley, Walsh, Matera & Cinquemani, P.C.
2174 Jackson Avenue
Seaford, NY 11783
(516) 409-6200
klevy@kerleywalsh.com

From: Jamie Felsen <jamiefelsen@mlaborlaw.com>
Sent: Wednesday, April 17, 2024 5:13 PM
To: Kerri Levy <klevy@kerleywalsh.com>
Subject: RE: IME WatchDog, Inc. v. Safa Abdulrahim Gelardi, et al. 1:22-cv-1032 (PKC)(JRC)

IME Watchdog obtained an injunction against the defendants and the defendants are prohibited from servicing certain customers. We believe defendants violated the injunction and we need a copy of the IME report from your case so that we can see the identity of the observer and the employer of the observer.

Jamie S. Felsen - Partner
Milman Labuda Law Group PLLC
3000 Marcus Ave., Suite 3W8
Lake Success, NY 11042
Telephone (516) 328-8899
Fax (516) 328-0082

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From: Kerri Levy <klevy@kerleywalsh.com>
Sent: Wednesday, April 17, 2024 5:04 PM
To: Jamie Felsen <jamiefelsen@mlaborlaw.com>
Subject: IME WatchDog, Inc. v. Safa Abdulrahim Gelardi, et al. 1:22-cv-1032 (PKC)(JRC)

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Dear Jamie,

It was nice speaking with you earlier. I am reviewing your subpoena. Can you provide me with information as to how IME WatchDog is involved with the **Danielle Wadler** case? I do not see any indication that they are. I would be happy to discuss further at your convenience. Thanks.

Kerri E. Levy

Kerley, Walsh, Matera & Cinquemani, P.C.

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